

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: TESTOSTERONE REPLACEMENT    MDL 2545  
THERAPY PRODUCTS LIABILITY  
LITIGATION

Master Docket Case No. 1:14-cv-01748

This Document Relates to:

Honorable Matthew F. Kennelly

*Kindred Brunson v. AbbVie Inc., et al.*  
Case No: 1:16-cv-00780

*Vito DiGiovanni v. Actavis, Inc., et al.*  
Case No: 1:16-cv-03131

*Estate of William Holland v. AbbVie Inc., et al.*  
Case No.: 1:18-cv-03241

*Danny Jackson v. Actavis, Inc., et al.*  
Case No: 1:15-cv-11864

*Roald Johnson v. Actavis, Inc., et al.*  
Case No: 1:16-cv-03117

*Ronald MacNeil v. AbbVie Inc., et al.*  
Case No: 1:18-cv-03251

*Gary Nash v. Auxilium Pharmaceuticals, Inc., et al.*  
Case No: 1:16-cv-00731

**ACTAVIS DEFENDANTS STATUS  
REPORT REGARDING PLAINTIFFS'  
COMPLIANCE WITH CASE  
MANAGEMENT ORDER NO. 163**

As directed by the Court in Case Management Order No. 163 (Order to Show Cause Why Cases Should Not Be Dismissed with Prejudice for Failure to Comply with Case Management Order No. 144) (hereinafter “CMO 163”), counsel for the Actavis, Inc., Actavis Pharma, Inc., Actavis Laboratories UT, Inc., and Anda, Inc. (hereinafter “Actavis Defendants”), hereby files this

Status Report and provides the Court the following updates with respect to each case subject to the show cause order entered pursuant to CMO 163:

**I. CASES DISMISSED WITH PREJUDICE**

Plaintiffs in the following cases subject to CMO 163 have filed stipulations of dismissal of the appropriate Actavis Defendants with prejudice in accordance with the directives of CMO 163:

*Estate of William Holland v. AbbVie Inc., et al.*, Case No: 1:18-cv-03241

*Ronald MacNeil v. AbbVie Inc., et al.*, Case No: 1:18-cv-03251

**II. CASES IN WHICH A RESPONSE TO CMO 163 ORDER TO SHOW CAUSE HAS BEEN FILED**

On November 27, 2019, counsel for plaintiff Danny Jackson filed a response to CMO 163 on the docket in Case No. 15-cv-11864 (Dkt. No. 19). That response states that plaintiff Danny Jackson has died, and counsel for plaintiff has not been retained by an heir of decedent to continue to pursue the case. As such, counsel for plaintiff asserts that they cannot comply with the obligations of Case Management Order No. 144. Counsel for plaintiff has not filed a motion to dismiss or requested that parties enter into a stipulation of dismissal.

Actavis Defendants' request that the Court now dismiss Case No. 15-cv-11864 pursuant to Fed. R. Civ. P. 25(a)(1). A Statement Noting a Party's Death was filed in the case on December 14, 2018 (Dkt. No. 14). No motion for substitution has been filed in the case. As such, the case must be dismissed pursuant to the requirements of Fed. R. Civ. P. 25(a)(1). Actavis Defendants are filing a motion to dismiss Case No. 15-cv-11864 on the individual docket in that matter concurrently herewith.

**III. CASES IN WHICH NO RESPONSE TO CMO 163 AND NO SHOWING OF CAUSE FOR FAILURE TO COMPLY WITH CMO 144 HAS BEEN FILED**

As of December 9, 2019, the following Plaintiffs in pending cases subject to CMO 163 have not filed a showing of cause in writing as to why their case should not be dismissed pursuant

to CMO 144, paragraph B.11, for failure to comply with the CMO 144 obligations of paragraphs B.9 and B.10:

*Kindred Brunson v. AbbVie Inc., et al.*, Case No: 1:16-cv-00780

*Vito DiGiovanni v. Actavis, Inc., et al.*, Case No: 1:16-cv-03131

*Roald Johnson v. Actavis, Inc., et al.*, Case No: 1:16-cv-03117

*Gary Nash v. Auxilium Pharmaceuticals, Inc., et al.*, Case No: 1:16-cv-00731

Plaintiffs' counsel in the *Brunson* and *Nash* cases have filed a Notice of Compliance with CMO 163 in the individual case docket, affirming that their clients have been advised in writing of CMO 163, as directed by the Court. A Notice of Compliance with CMO 163 has not been filed in the *DiGiovanni* or *Johnson* cases.

Additionally, plaintiff's counsel in the *Brunson* and *Nash* cases filed motions to withdraw as counsel for plaintiff on November 15, 2019, after the Court issued CMO 163 and its Order to Show Cause for Failure to Comply with CMO 144. Those motions were entered and continued by Order of the Court on November 23, 2019.

Respectfully submitted,

/s/ Jeffrey D. Geoppinger

Jeffrey D. Geoppinger  
ULMER & BERNE LLP  
600 Vine Street, Suite 2800  
Cincinnati, OH 45202  
(513) 698-5000  
(513) 698-5001 FAX  
[jgeoppinger@ulmer.com](mailto:jgeoppinger@ulmer.com)

***Counsel for Actavis Inc., Actavis Pharma, Inc.,  
Actavis Laboratories UT, Inc., and  
Anda, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on December 9, 2019, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Jeffrey D. Geoppinger